



News From Congresswoman Hilda L. Solis 32nd Congressional District of California

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Solis and 14 Women Members of Congress from the Minority Caucuses Send Letter Opposing Janice Rogers Brown

Washington, D.C. – *Today, Congresswoman Hilda L. Solis (CA-32) and 14 women Members of Congress from the Congressional Hispanic Caucus, Congressional Black Caucus and the Congressional Asian Pacific Islander Caucus sent the following letter to Senate Majority Leader Bill Frist and Senate Minority Leader, Harry Reid, opposing the nomination of Janice Rogers Brown to the federal bench..*

“Janice Rogers Brown’s extreme views are out of touch with American values. Her record shows that she does not protect the rights of workers, women or minorities. For example, she was the only member of the California Supreme Court to find that a jury should not hear expert testimony in a domestic violence case about “battered women’s syndrome,” said Congresswoman Solis. “She has even said that a manager could use racial slurs against his Latino employees. Her confirmation to a lifetime judicial appointment could have a detrimental impact on our communities.”

The text of the letter follows:

June 7, 2005

The Honorable Bill Frist
Senate Majority Leader
U.S. Capitol S-230
Washington, D.C. 20510

The Honorable Harry Reid
Senate Minority Leader
U.S. Capitol, S-221
Washington, D.C. 20510

Dear Senators Frist and Reid:

As women of color elected to the U.S. House of Representatives, we are writing to express our very strong opposition to the nomination of Janice Rogers Brown to a seat on the

D.C. Circuit Court of Appeals. Next to the Supreme Court, the D.C. Circuit is widely regarded as the most important federal court in our country, with exclusive jurisdiction over actions by a number of important federal agencies. We are concerned that Brown would bring to this crucial federal court a radically reactionary judicial philosophy that would roll back the rights and protections that women, minorities, and all Americans have relied upon during the last seventy years.

We are also writing to dismiss the claims by some of Brown's supporters that opposing her confirmation to this powerful lifetime position is somehow an expression of racial bias or gender discrimination. So let us be clear. Our opposition to Janice Rogers Brown has nothing to do with her being a woman of color. We have great admiration for Justice Brown's personal story of achievement and would, in fact, be delighted to see more women of color on the federal appeals courts. But who a nominee is and where she or he has come from are not as important as what the individual would do on the federal bench. Janice Rogers Brown's record makes clear that women of color, other minorities, and people who depend on the federal government's role in promoting economic and social justice would be gravely harmed if Brown is confirmed to the D.C. Circuit.

As a justice on the California Supreme Court, Janice Rogers Brown has expressed extreme views on the Constitution and the role of government. She has praised the infamous turn-of-the-twentieth-century *Lochner* decision by the Supreme Court, which declared maximum-hours laws to be unconstitutional, and called the Court's subsequent rulings that effectively overruled *Lochner* and helped protect workers the "triumph of our socialist revolution." She argued that a San Francisco ordinance trying to help low and moderate income residents displaced by hotel developers was unconstitutional and transformed a "democracy into a kleptocracy," a view that the court majority rejected as an improper attempt by a judge to impose a "personal theory of political economy on the people of a democratic state." If given a lifetime seat on the federal appellate bench, Justice Brown's judicial philosophy would threaten laws establishing the 40-hour work week, the right of workers to organize, civil rights laws, laws protecting the environment, and many other crucial legislative protections.

In fact, Justice Brown has repeatedly disagreed with her colleagues on the California Supreme Court and voted to weaken California civil rights laws prohibiting racial and other discrimination. She even declared that prosecutors should be allowed to exclude African American women from juries. In addition, she has taken positions that would undermine legal protections against racial and gender harassment in the workplace.

Given the serious concerns regarding Janice Rogers Brown's handling of women, minorities, and all Americans, we urge you to oppose her nomination to the D.C. Circuit.

Sincerely,

The letter was signed by 15 out of the 20 women of color in the Congressional Hispanic Caucus, Congressional Black Caucus and the Congressional Asian Pacific Islander Caucus, including: Congresswomen Hilda L. Solis (CA-32), Sheila Jackson-Lee (TX-18), Linda Sanchez (CA-39), Barbara Lee (CA-09), Eleanor Holmes Norton (DC), Juanita Millender-McDonald (CA-37), Gwen Moore, Maxine Waters (CA-35), Diane Watson (CA-33), Eddie

Bernice Johnson (CA-30), Grace Napolitano (CA-38), Doris Matsui (CA-05), Corrine Brown (FL-03), Donna Christensen (VI), Gwen Moore (WI-04) and Cynthia McKinney (GA-04).

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